

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIK BLAIR,

Defendant.

Case No. 21-CR-30090-SPM

MEMORANDUM AND ORDER

McGLYNN, District Judge:

This matter comes before the Court on Defendant Erik Blair’s *pro se* Motion for Sentence Reduction pursuant to 18 U.S.C. § 3582(c) and § 1B1.10 of the United States Sentencing Guidelines Manual [hereinafter Sentencing Guidelines] making Amendment 821 retroactive (Doc. 44). Blair also requested for counsel to be appointed. (*Id.*).

On August 23, 2024, this Court appointed Criminal Justice Act Attorney Gregory N. Smith to review Blair’s eligibility for an Amendment 821 sentence reduction. (Doc. 48). On January 27, 2025, Attorney Smith filed a Motion to Withdraw as Attorney because “it is counsel’s belief and understanding that he would not qualify for a sentence reduction pursuant to 18 U.S.C. §3582 based on the retroactive application of Amendment 821” because Blair is not a zero-point offender. (Doc. 50, p. 1). Attorney Smith indicates that he and the United States Probation Office concur that Blair “received one criminal history point for a prior adult conviction.” (*Id.* (citing Doc. 33, ¶ 39)).

Notably, Blair is not a zero-point offender. In order for a defendant to be eligible for a sentence reduction pursuant to Amendment 821, the defendant cannot have received any criminal history points. Sentencing Guidelines § 4C1.1(a)(1). Blair received one status point for a prior conviction. (*See* Doc. 33, ¶ 39). Because of this, Defendant Blair's criminal history category is not affected by Amendment 821, and he is ineligible for a sentence reduction under this provision.

Accordingly, Defendant Blair's *pro se* Motion for Sentence Reduction pursuant to Amendment 821 (Doc. 44) is **DENIED**. Attorney Smith's Motion to Withdraw as Attorney (Doc. 50) is **GRANTED**.

IT IS SO ORDERED.

DATED: March 27, 2025

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge